

SSB 5080 - S AMD 302

By Senators Haugen, Marr, Swecker

ADOPTED 04/04/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature restates its goal to fully
4 clean up unauthorized waste tire piles in Washington state in an
5 expeditious fashion. In partnership with local governments and the
6 private sector, the legislature encourages ongoing efforts to prevent
7 the creation of future unauthorized waste tire piles. The legislature
8 notes a positive trend in tire recycling in recent years and encourages
9 all parties to continue these strong recycling efforts.

10 **Sec. 2.** RCW 70.95.510 and 2005 c 354 s 2 are each amended to read
11 as follows:

12 (1) There is levied a one dollar per tire fee on the retail sale of
13 new replacement vehicle tires (~~((for a period of five years, beginning~~
14 ~~July 1, 2005))~~). The fee imposed in this section (~~((shall))~~) must be paid
15 by the buyer to the seller, and each seller shall collect from the
16 buyer the full amount of the fee. The fee collected from the buyer by
17 the seller less the ten percent amount retained by the seller as
18 provided in RCW 70.95.535(1) (~~((shall))~~) must be paid to the department
19 of revenue in accordance with RCW 82.32.045.

20 (2) The department of revenue shall incorporate into the agency's
21 regular audit cycle a reconciliation of the number of tires sold and
22 the amount of revenue collected by the businesses selling new
23 replacement vehicle tires at retail. The department of revenue shall
24 collect on the business excise tax return from the businesses selling
25 new replacement vehicle tires at retail:

26 (a) The number of tires sold; and

27 (b) The fee levied in this section.

28 (3) All other applicable provisions of chapter 82.32 RCW have full

1 force and application with respect to the fee imposed under this
2 section. The department of revenue shall administer this section.

3 (4) For the purposes of this section, "new replacement vehicle
4 tires" means tires that are newly manufactured for vehicle purposes and
5 does not include retreaded vehicle tires.

6 **Sec. 3.** RCW 70.95.521 and 2005 c 354 s 3 are each amended to read
7 as follows:

8 The waste tire removal account is created in the state treasury.
9 ~~((All receipts from tire fees imposed under RCW 70.95.510 must be
10 deposited in the account. Moneys in the account may be spent only
11 after appropriation.))~~ Expenditures from the account may be used for
12 the cleanup of unauthorized waste tire piles ~~((and))~~, measures that
13 prevent future accumulation of unauthorized waste tire piles, and road
14 wear related maintenance on state and local public highways.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.95 RCW
16 to read as follows:

17 (1) All receipts from tire fees imposed under RCW 70.95.510, except
18 as provided in subsection (2) of this section, must be deposited in the
19 waste tire removal account created under RCW 70.95.521. Moneys in the
20 account may be spent only after appropriation. Expenditures from the
21 account may be used for the cleanup of unauthorized waste tire piles
22 and measures that prevent future accumulation of unauthorized waste
23 tire piles.

24 (2) On July 1st of odd-numbered years, the state treasurer must
25 transfer any cash balance in excess of one million dollars from the
26 waste tire removal account created under RCW 70.95.521 to the motor
27 vehicle account for the purpose of road wear related maintenance on
28 state and local public highways.

29 **Sec. 5.** RCW 70.95.530 and 2005 c 354 s 5 are each amended to read
30 as follows:

31 (1) Moneys in the waste tire removal account may be appropriated to
32 the department of ecology:

33 (a) To provide for funding to state and local governments for the
34 removal of discarded vehicle tires from unauthorized tire dump sites;
35 and

1 (b) To accomplish the other purposes of RCW 70.95.020 as they
2 relate to waste tire cleanup under this chapter(~~(; and~~

3 ~~(c) To conduct a study of existing tire cleanup sites. The office~~
4 ~~of financial management shall oversee the study process and approve the~~
5 ~~completed study. The completed study shall be delivered to the house~~
6 ~~of representatives and senate transportation committees by November 15,~~
7 ~~2005. In conducting the study, the department shall consult on a~~
8 ~~regular basis with interested parties. The following identified~~
9 ~~elements at a minimum shall be included in the completed study:~~

10 ~~(i) Identification of existing tire cleanup sites in the state of~~
11 ~~Washington;~~

12 ~~(ii) The estimated number of tires in each tire cleanup site;~~

13 ~~(iii) A map identifying the location of each one of the tire~~
14 ~~cleanup sites;~~

15 ~~(iv) A photograph of each one of the tire cleanup sites;~~

16 ~~(v) The estimated cost for cleanup of each tire [cleanup] site by~~
17 ~~cost component;~~

18 ~~(vi) The estimated reimbursement of costs to be recovered from~~
19 ~~persons or entities that created or have responsibility for the tire~~
20 ~~cleanup site;~~

21 ~~(vii) Identification of the type of reimbursements for recovery by~~
22 ~~each of the tire cleanup sites;~~

23 ~~(viii) The estimated time frame to begin the cleanup project and~~
24 ~~the estimated completion date for each tire cleanup site;~~

25 ~~(ix) An assessment of local government functions relating to~~
26 ~~unauthorized tire piles, including cleanup, enforcement, and public~~
27 ~~health;~~

28 ~~(x) Identification of needs in the areas in (c)(ix) of this~~
29 ~~subsection for each one of the counties; and~~

30 ~~(xi) A statewide cleanup plan based on multiple funding options~~
31 ~~between twenty cents and sixty cents for each new tire sold at retail~~
32 ~~in the state starting on July 1, 2005. The plan shall include the~~
33 ~~estimated time frame to begin each of the tire cleanup sites and the~~
34 ~~estimated completion date for each one of the sites. In addition, the~~
35 ~~plan must include a process to be followed in selecting entities to~~
36 ~~perform the tire site cleanups. The 2006 legislature shall determine~~
37 ~~the final distribution of the tire cleanup fee and the appropriations~~
38 ~~for this statewide tire cleanup plan)).~~

1 (2) In spending funds in the account under this section, the
2 department of ecology shall identify communities with the most severe
3 problems with waste tires and provide funds first to those communities
4 to remove accumulations of waste tires.

5 ~~(3) ((Immediately after July 1, 2005, the department of ecology
6 shall initiate a pilot project in a city with a population between
7 three and four thousand within a county with a population less than
8 twenty thousand to contract to clean up a formerly licensed tire pile
9 in existence for ten or more years. To begin the project, the
10 department shall seek to use financial assurance funds set aside for
11 clean up of the tire pile. For purposes of this subsection, population
12 figures are the official 2004 population as estimated by the office of
13 financial management for purposes of state revenue allocation.))~~ On
14 September first of even-numbered years, the department of ecology shall
15 provide a report to the house and senate transportation committees on
16 the progress being made on the cleanup of unauthorized waste tire piles
17 in the state and efforts underway to prevent the formation of future
18 unauthorized waste tire piles. The report should detail any additional
19 unauthorized waste tire piles discovered since the last report and
20 present a plan to clean up these new unauthorized waste tire piles if
21 they have not already done so, as well as include a listing of
22 authorized waste tire piles and transporters. The report shall also
23 include the status of funds available to the program and a needs
24 assessment of the program. On September 1, 2008, the department shall
25 also make recommendations to the committees for an ongoing program to
26 prevent the formation of future unauthorized waste tire piles. Such a
27 program, if required, must include joint efforts with local governments
28 and the tire industry.

29 **Sec. 6.** RCW 70.95.555 and 2005 c 354 s 6 are each amended to read
30 as follows:

31 Any person engaged in the business of transporting or storing waste
32 tires shall be licensed by the department. To obtain a license, each
33 applicant must:

34 (1) Provide assurances that the applicant is in compliance with
35 this chapter and the rules regarding waste tire storage and
36 transportation;

1 (2) Accept liability for and authorize the department to recover
2 any costs incurred in any cleanup of waste tires transported or newly
3 stored by the applicant in violation of this section, or RCW 70.95.560,
4 70.95.515, or 70.95.570, or rules adopted thereunder, after July 1,
5 2005;

6 ~~(3) ((Until January 1, 2006, post a bond in the sum of ten thousand
7 dollars in favor of the state of Washington for waste tires transported
8 or stored before July 1, 2005. In lieu of the bond, the applicant may
9 submit financial assurances acceptable to the department;~~

10 ~~(4))~~ After January 1, 2006, for waste tires transported or stored
11 before July 1, 2005, or for waste tires transported or stored after
12 July 1, 2005, post a bond in an amount to be determined by the
13 department sufficient to cover the liability for the cost of cleanup of
14 the transported or stored waste tires, in favor of the state of
15 Washington. In lieu of the bond, the applicant may submit financial
16 assurances acceptable to the department;

17 ~~((+5))~~ (4) Be registered in the state of Washington as a business
18 and be in compliance with all state laws, rules, and local ordinances;

19 ~~((+6))~~ (5) Have a federal tax identification number and be in
20 compliance with all applicable federal codes and regulations; and

21 ~~((+7))~~ (6) Report annually to the department the amount of tires
22 transported and their disposition. Failure to report shall result in
23 revocation of the license."

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24 On page 1, line 1 of the title, after "Relating to" strike the
25 remainder of the title and insert "extending tire replacement fees;
26 amending RCW 70.95.510, 70.95.521, 70.95.530, and 70.95.555; adding a
27 new section to chapter 70.95 RCW; and creating a new section."

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